

**REMARKS**

This Amendment, submitted in response to the Office Action dated January 22, 2008, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-3, 5-7, 9-20 are all the claims pending in the application. Claim 1 has been amended to incorporate the limitations of claim 4. Claims 4 and 8 have been canceled. Claims 19 and 20 have been added. Claims 5, 9, 13, and 18 have been amended for dependency.

**I. Claim Rejections - 35 U.S.C. § 103**

**Claims 1-3, 5-7, 9-15 and 17**

Claims 1 and 12 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jacobson et al., (US 5,961,804). As Applicant has amended claim 1 to incorporate the limitations of claim 4, Applicant respectfully submits that this rejection is moot.

Accordingly, Applicant respectfully traverses the rejection to claim 4 as well as claims 2-3, 5-7, 9-15 and 17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jacobson et al. (US 5,961,804) in view of Gordon, II et al. (US 6,271,823 B1).

Claim 1 recites, *inter alia*,

**said same color falls within the region surrounded by points (0.174, 0), (0.28, 0.32) and ( $\alpha$ , 0.32) as represented by co-ordinates (x, y) on a CIE chromaticity diagram, wherein  $\alpha$  represents the x-coordinate of the intersection of a spectrum locus and a straight line  $y=0.32$**

In the Office Action, the Examiner responded to the challenge of the official notice that, based on column 1, lines 64-68 of Edwards, it would have been obvious to use a blue display because “the color prove for best examination.” (Office Action, P. 11). However, this is not what the cited section of Edwards teaches. The cited section teaches allowing for **“an endless**

**variety of colors for best examination.**” (Edwards, Col. 1, Lns. 64-68). Because Edwards teaches that “a endless variety of colors” is needed “for best examination,” it is clear that **Edwards does not support the Examiner’s taking of Official Notice that a display would inherently fall within the claimed CIE chromaticity coordinates.**

Further, it is entirely unclear how Uehara shows that it is well known to one of ordinary skill in the art that **blue** falls within the region surrounded by the claimed points. There is no such teaching or suggestion in Uehara and clearly Figure 1 fails to support the Examiner’s taking of Official Notice.

As such, Applicant again respectfully challenges the official notice and **request that the Examiner provide a supporting reference that a display (such as the electrophoretic display of Jacobson) would inherently fall within the claimed CIE chromaticity coordinates.**

Further, Applicant respectfully submits that the monochromatic nature of the display is not disclosed by Jacobson or Gordan. The Examiner’s reliance on column 3 and column 8 of Jacobson does not support the rejections. The particles are heterogeneous, thus different. To the extent that the particles may be the same color, the **suspension fluid** is a different color.

Further, Applicant respectfully submits that claim 1 is allowable for at least the following additional reasons.

Claim 1 recites, *inter alia*,

**each picture element of the display device comprises a series of spatially adjacent cells, each cell configured to **express** tones in three-or-more levels of said same color**

In the Office Action, the Examiner contends that Fig. 3a-b and column 8, lines 49-60 of Jacobson teach or suggest that **“each cell . . . express[es] . . . the same color.”**<sup>2</sup> Even assuming Jacobson taught the microparticles 330 as being the “same color”, which Applicant respectfully submits is not at all clear, this would not teach or suggest that “items 14, 16, 18” all be the same color. As such, Gordon must supplement for this deficiency as well. However, **it is clear Gordon fails to do so as item 14 is red, item 16 is green, and item 18 is blue.** (Gordon, Col. 6, Lns. 49-57). As such, there is no teaching or suggestion of **“each cell configured to express . . . said same color.”**

In summary, Applicant respectfully submits that the combination of Jacobson and Gordon fails to teach or suggest, at least, “A monochromatic image display system” wherein **“each picture element . . . emit[s] light in the same color” and “each picture element . . . comprises a series of spatially adjacent cells, each cell configured to express . . . said same color.”**

In addition, claim 1 describes time division for respective cells. To the extent a signal is applied to a cell in the cited art, Applicant respectfully submits that it is not inherent that there is time division relative to the cell as opposed to a pixel as a whole.

Accordingly, Applicant respectfully submits that claim 1 would not have been obvious under 35 U.S.C. § 103(a) over Jacobson in view of Gordon. Accordingly, Applicant respectfully

---

<sup>2</sup> The Examiner contends that Gordon teaches that each picture element comprises “a **series of spatially adjacent cells** (Fig. 1, items 14, 16, 18).” However, the so called “**cells**” of Jacobson referred to by the Examiner can only be the **microparticles 330 of Figure 3** as the Examiner has cited **the microcapsules 320 as the “picture elements.”** (Office Action, P. 2 and 4). These so called “**cells**” in Jacobson are not the same as “items 14, 16, 18” of Gordon. In other words, the “microparticles 330” are not in any way the same as “items 14, 16, 18” which are taught as being **“electrophoretic cells.”** (Gordon, Col. 6, Lns. 49-57).

requests the Examiner to withdraw the rejection of claim 1 and claims 2-3, 5-7, 9-15 and 17 at least by virtue of their dependency from claim 1.

**Claim 16**

Claim 16 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jacobson et al. (US 5,961,804) in view of Ota (US 3,792,308). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Jacobson is deficient vis-à-vis independent claim 1. Applicant respectfully submits that Ota fails to compensate for the deficiencies of Jacobson. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claim 1, much less dependent claim 16.

However, Applicant further respectfully traverses the rejection based on the following independent reason.

Claim 16 recites, *inter alia*,  
**further comprising a light source**

In the Office Action, the Examiner conceded that Jacobson fails to teach the display further comprises a light source. However, the Examiner contends that Ota teaches a display system with a light source and the combination of the references would have been obvious. However, even assuming for the sake of argument the Examiner's contention regarding Ota is correct, Applicant respectfully contends that Jacobson teaches away from such a combination as Jacobson teaches a "**nonemissive display**" and, as such, should not have a light source (emissive element). (Jacobson, Col. 1, Ln. 10). As such, Applicant respectfully submits that one of skill in the art would not have been motivated to modify the **nonemissive display** of Jacobson by adding a light source.

Therefore, claim 16 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 16.

**Claim 18**

Claim 18 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jacobson et al. (US 5,961,804) in view of Gordon, II et al. (US 6,271,823 B1) and Jacobson et al. (US 6,721,083 B2). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Jacobson '804 in view of Gordon is deficient vis-à-vis claim 1. Applicant respectfully submits that Jacobson '083 fails to compensate for the deficiencies of Jacobson '804 in view of Gordon. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to the subject matter of claim 1, much less dependent claim 18.

Therefore, claim 18 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 18.

**II. New Claims**

New claims 19 and 20 have been added. Applicant respectfully submits that new claim 19 is patentable over the prior art at least by virtue of its dependence from claim 1. Further, Applicant respectfully submits that new claim 20 is distinguishable over the prior art for at least similar reasons as those discussed above for claim 1.

### III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

/Logan J. Brown 58,290/  
Logan J. Brown  
Registration No. 58,290

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: July 16, 2008